IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:05cv249

| NICHOLS FAMILY INVESTMENTS, LLC., |) |
|-----------------------------------|-------|
| Plaintiff, |) |
| Vs. | ORDER |
| KEVIN HACKENBERG, et al., |) |
| Defendants. |) |
| |) |

THIS MATTER is before the court on defendant Harold Crum's "Motion in Opposition to Plaintiff's Second Motion for Extension of Time to File Response to Defendant's Motion for Relief from Judgment" (#57). First, defendant is advised that the relief sought by plaintiff has already been granted. Second, defendant is advised that motions for enlargement of time are routinely allowed inasmuch as attorneys have more than one case, and that reasonable accommodations must be made for busy practitioners. Third, defendant is respectfully advised that courts do not easily ascribe ill motives to attorneys or litigants and that the recriminations contained in this pleading concerning the motivations of plaintiff or its counsel are unwelcome and inappropriate and will be stricken. Finally, defendant is advised that a "response" to a motion should not be captioned as a "motion," but instead a response.

ORDER

IT IS, THEREFORE, ORDERED that defendant Harold Crum's "Motion in Opposition to Plaintiff's Second Motion for Extension of Time to File Response to Defendant's Motion for Relief from Judgment" (#57) is **DENIED** as moot, and the spurious portions of such pleading are **STRICKEN**.

Signed: January 17, 2007

Dennis L. Howell

United States Magistrate Judge